

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

PERFORMANCE OF BRENTWOOD LP
Employer

and

Case 26-RC-63405

INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE
WORKERS, AFL-CIO

Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is granted as it raises substantial issues with regard to: (1) whether the Regional Director properly treated the Employer's new-car South location and its certified pre-owned (CPO) location as a single facility such that the petitioned-for unit was entitled to a presumption of appropriateness; (2) if the Employer's new-car South location and its CPO location are properly treated as a single facility, whether the Employer rebutted the presumption of appropriateness; (3) if the Employer's new-car South location and its CPO location are not properly treated a single facility, whether the petitioned-for unit is an appropriate unit in any event; and (4) whether the service advisors, get ready technicians, and detail technician are appropriately excluded from any unit found appropriate under the standard set forth in *Specialty Healthcare & Rehabilitation Center of Mobile*, 357 NLRB No. 83 (2011).¹ The case is remanded to the Regional Director for further consideration of these issues consistent with this Order.

MARK GASTON PEARCE, CHAIRMAN

CRAIG BECKER, MEMBER

BRIAN E. HAYES, MEMBER

Dated, Washington, D.C., November 4, 2011.

¹ Although Member Hayes disagrees with *Specialty Healthcare's* "overwhelming community of interest" standard, he acknowledges that *Specialty Healthcare* is extant law.

Member Becker would deny review of the Regional Director's exclusion of service advisors, get ready technicians, and detail technicians from the unit on the grounds that the Regional Director fully explained that the employees in the classifications included in the petitioned-for unit all perform skilled maintenance work on automobiles in contrast to employees in the excluded classifications and for that and other reasons share a community of interest distinct from that of the excluded employees.